

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MURRAY PAVING & RECLAMATION, INC.,

Plaintiff,

v.

INGERSOLL-RAND EQUIPMENT & SERVICES
COMPANY and INGERSOLL-RAND COMPANY,

Defendants.

CIVIL ACTION No. 04-10328 GAO

**AFFIDAVIT OF CARTER D. MORSE, JR. IN SUPPORT OF
INGERSOLL-RAND COMPANY'S MOTION FOR SUMMARY JUDGMENT**

I, Carter D. Morse, Jr., being duly sworn, deposes and says as follows:

1. I am an attorney with the law firm of Foley Hoag LLP and am a member in good standing of the bar of the Commonwealth of Massachusetts. I am co-counsel of record in the above-captioned matter for defendant Ingersoll-Rand Company ("Ingersoll-Rand"). I submit this affidavit in support of Ingersoll-Rand's Motion for Summary Judgment.

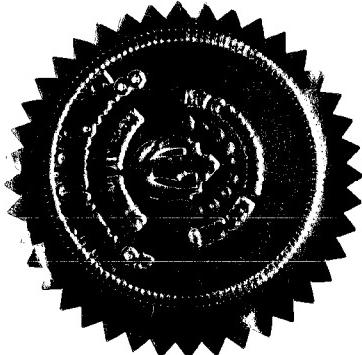
2. Attached hereto as Exhibit A is a true and correct copy of a document produced pursuant to the Federal Rules of Civil Procedure by counsel for plaintiff Murray Paving & Reclamation, Inc. to counsel for Ingersoll-Rand, on or about November 2, 2004, and marked as MP-37.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. EXECUTED THIS 20th DAY OF NOVEMBER, 2004.

Carter D. Morse, Jr.
/s/
Carter D. Morse, Jr.

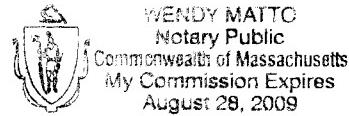
STATE OF MASSACHUSETTS

Subscribed and sworn to before me this 30 day of November, 2004.



Wendy Matto
Notary Public

My commission expires 8-28-09



Certificate of Service

I certify that on November 30, 2004, I served the foregoing document on plaintiff by causing a copy of the same to be delivered by HAND DELIVERY to its counsel of record: Peter F. Davis, 15 Broad Street, Suite 512, Boston, Massachusetts 02109.

C. D. Morse Jr.
Carter D. Morse, Jr.